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PTO/SB/21 (08-03)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

**19 + 194
Refs.**

Application Number

10/526,860

Filing Date

September 4, 2003

First Named Inventor

Marc K. HELLERSTEIN

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

416272003600**ENCLOSURES (Check all that apply)**☐

Fee Transmittal

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒**Information Disclosure Statement
w/ Form PTO/SB/08a/b (18 pages)**☐Certified Copy of Priority
Document(s)☐Response to Missing Parts/
Incomplete Application☐Response to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s)

☐After Allowance Communication
to Group☐Appeal Communication to Board of
Appeals and Interferences☐Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒**Other Enclosure(s) (please
Identify below):****1. One Copy of each 194 Cited
References****2. Return Receipt Postcard**

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name**MORRISON & FOERSTER LLP (Customer No. 20872)
Michael R. Ward - Reg. No. 38,651**

Signature

Michael R Ward

Date

May 13, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 13, 2005Signature: *Leah Kjellen*

(Leah Kjellen)

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Dated: May 13 2005

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(Leah Kjellen)

Patent
Docket No. 416272003600
B01-073-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mark K. HELLERSTEIN

Serial No.: 10/526,860

Filing Date: September 4, 2003

For: METHOD FOR MEASURING THE
RATES OF REPLICATION AND
DEATH OF MICROBIAL INFECTIOUS
AGENTS IN AN INFECTED HOST
ORGANISM

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

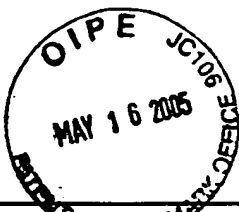
In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **416272003600**.

Dated: May 13 , 2005

Respectfully submitted,

By Michael R. Ward
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ALTERNATIVE TO PTO/SB/08a/b (06-03)

Substitution Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/526,860		
		Filing Date	September 4, 2003		
		First Named Inventor	Marc K. HELLERSTEIN		
		Art Unit	Not Yet Assigned		
		Examiner Name	Not Yet Assigned		
Sheet	1	of	15	Attorney Docket Number	416272003600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-4,332,784	06-01-1982	Smith et al.	
	2.	US-5,338,686	08-16-1994	Hellerstein	
	3.	US-5,439,803	08-08-1995	Ross et al.	
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	10.	US-6,599,750-B2	07-29-2003	Yatscoff et al.	
	11.	US-6,602,715-B2	08-05-2003	Yatscoff et al.	
	12.	US-6,653,076	11-25-2003	Franza, Jr. et al.	
	13.	US-6,653,090-B1	11-25-2003	Lopaschuk	
	14.	US-6,808,875-A1	10-26-2004	Hellerstein	
	15.	US-2003/0133871	07-17-2003	Hellerstein	
	16.	US-2003/0148533	08-07-2003	Malloy et al.	
	17.	US-2003/0180710	09-25-2003	Lee et al.	
	18.	US-2003/0180800	09-25-2003	Lee et al.	
	19.	US-2003/0224420	12-04-2003	Hellerstein et al.	
	20.	US-2003/0228259	12-11-2003	Hellerstein	
	21.	US-2004/0081994	04-29-2004	Hellerstein	
	22.	US-2004/0091943	05-13-2004	Schneider	
	23.	US-2004/0115131-A1	06-17-2004	Hellerstein	
	24.	US-2004/0152994	08-05-2004	Meier-Augenstein	
	25.	US-2004/0253647	12-16-2004	Mathews et al.	
	26.	US-2005/0019251-A1	01-27-2005	Hellerstein	
	27.	US-2005/0053992-A1	03-10-2005	Hellerstein	
	28.	US-10/519,121	FD 09-15-2003	Hellerstein	
	29.	US-10/523,250	FD 01-26-2005	Hellerstein	
	30.	US-10/872,280	FD 06-17-2004	Hellerstein	
	31.	US-10/963,967	FD 10-12-2004	Hellerstein	
	32.	US-10/997,323	FD 11-23-2004	Hellerstein	
	33.	US-11/064,197	FD 02-22-2005	Hellerstein	
	34.	US-11/078,083	FD 03-11-2005	Hellerstein	
	35.	US-11/094,387	FD 03-29-2005	Hellerstein	

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sf-1912049

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				Examiner Name	Not Yet Assigned
Sheet	2	of	15	Attorney Docket Number	416272003600

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	36.	WO-90/11371	10-04-1990	Anticancer, Inc.		
	37.	WO-93/25705	12-23-1993	Barranco		
	38.	WO-98/51820	11-19-1998	Hellerstein		
	39.	WO-03/061479-A1	07/31/2003	Hellerstein		
	40.	WO-03/068919-A2	08/21/2003	Hellerstein		
	41.	WO-03/087314-A2	10/23/2003	Hellerstein		
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	44.	WO-04/021863-A2	03/18/2004	Hellerstein		
	45.	WO-04/024941-A2	03/25/2004	Hellerstein		
	46.	WO-04/025270-A2	03/25/2004	Hellerstein		
	47.	WO-04/042360-A2	05/21/2004	Hellerstein		
	48.	WO-05/009597-A2	02/03/2005	Hellerstein		
	49.	WO-05/015155-A2	02/17/2005	Hellerstein		
	50.	WO-05/033652-A2	04/14/2005	Hellerstein		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	51.	International Search Report mailed on April 13, 2004, for PCT application no. PCT/US03/20052 filed on June 25, 2003, 3 pages	
	52.	International Search Report mailed on June 29, 2004, for PCT application no. PCT/US03/04183 filed on February 12, 2003, 4 pages	
	53.	International Search Report mailed July 8, 2004, for PCT patent application no. PCT/US03/27623 filed on September 4, 2003, 4 pages	
	54.	International Search Report mailed on July 9, 2004, for PCT application no. PCT/US03/35107 filed on November 4, 2003, 2 pages	
	55.	International Search Report mailed on August 18, 2004, for PCT application no. PCT/US03/23340 filed on July 25, 2003, 4 pages.	
	56.	International Search Report mailed on August 18, 2004, for PCT application PCT/US03/29526, filed September 16, 2003, 3 pages	

Examiner Signature		Date Considered	
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57.	International Search Report mailed on August 20, 2004, for PCT application no. PCT/US03/10554 filed on April 4, 2003, 4 pages	
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Sheet	4	of	15	Attorney Docket Number	416272003600

		Mass Isotopomer Distribution Analysis" <i>Biochemica et Biophysica Acta</i> 1483: 343-351	
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	83.	CALDWELL, K.A. et al. (1993) "Quantification of Peptide Isotopomer Abundances and Determination of Protein (sic) Turnover Rates by Using Mass Isotopomer Distribution Analysis" <i>Abstract, 41st Annual</i>	

Examiner Signature		Date Considered	
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		<i>Amer. Society Mass Spectrometry on Mass Spectrometry</i> , p. 331a.	
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94.	CRAIN, P.F.(1990)	"Preparation and Enzymatic Hydrolysis of DNA and RNA for Mass Spectrometry," <i>Meth. Enz.</i> 193:782-790	
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96.	DEEKS, S. et al. (1998)	"Viral Load and CD4+ T Cell Changes in Patients Failing Potent Protease Inhibitor Therapy" <i>Abstract, 5th Conference on Retroviruses and Opportunistic Infections, Session 53</i> , 419:158	
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Examiner Signature		Date Considered	
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sf- 1912049

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Sheet	6	of	15	Attorney Docket Number	416272003600

		in Human Immunodeficiency Virus-Infected Patients Who Remain Viremic Despite Long-Term Treatment with Protease Inhibitor-Based Therapy" <i>Journal of Infectious Diseases</i> 185:315-323	
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